



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/731,418

12/09/2003

Stratton C. Lloyd

OIC0117US

3931

60975 7590 03/31/2009
CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

03/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/731,418	Applicant(s) LLOYD ET AL.	
	Examiner JOHNNA R. LOFTIS	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 6-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a final office action upon examination of application number 10/731418. Claims 3-5 cancelled. Claims 1, 2, 6-27 are pending and have been examined on the merits discussed below.

Response to Arguments

2. Applicant's arguments, with respect to previous rejections under 35 USC 101 have been fully considered and are persuasive. The rejections of claims 1-12 under 35 USC 101 have been withdrawn.

3. Applicant's arguments directed to previous rejections of claim 1 (and subsequent claims 13 and 20 are not persuasive. Examiner asserts that a forecast snapshot and the forecast that is created in the cited reference are one in the same. When a forecast is created at a specific point in time, it is viewed as a snapshot or quick view of something a moment in time. Since the forecasts of the cited reference are created based on information available, i.e., weekly forecast over opportunities for a particular region, the forecast is a snapshot of the weekly opportunities. Prior rejection upheld.

4. Regarding the inclusion of opportunity information, Examiner points to paragraphs 54 and 55 wherein it states that forecasts are defined and created based on inputs including opportunities. Therefore, the created forecasts included opportunity information. Rejections have been modified to address this newly added limitation.

5. With respect to arguments that Amerasinghe et al does not teach notifying participants of the creation of a forecast, Examiner respectfully disagrees. As previously cited, paragraphs 048-

Art Unit: 3624

051 teach that once a forecast is generated, a manager may adjust analyze, etc. When the forecast is submitted to the manager, he or she is notified, in that he or she has access to the forecast to make any modifications. Rejections in view of Amerasinghe et al are upheld.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 6-27 rejected under 35 U.S.C. 102(e) as being anticipated by Amerasinghe et al. (U.S. 2007/0208608).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

As per claim 1, Amerasinghe et al. discloses a method in a computer system for defining a forecast snapshot, the method comprising: receiving an interval wherein the interval specifies a frequency at which forecast snapshots are generated (paragraphs 6 and 57; Table 1; Figure 3); receiving a specified day within the interval wherein the forecast snapshot is generated on a

Art Unit: 3624

specified day (paragraph 57; Table 1); receiving specified roles of participants wherein a member of the organization who is assigned one of the specified roles is included in the forecast snapshot (paragraphs 48 and 50; Figures 6a-6b); generating the forecast snapshot wherein the forecast snapshot is based on the opportunity information of the participants and the forecast snapshot includes the opportunity information (paragraph 50; paragraphs 54 and 55 wherein it states that forecasts are defined and created based on inputs including opportunities); and notifying the participants of the creation of a forecast snapshot (paragraphs 0048-0050 – the forecast series defines who may participate; the participants are notified because they are given the chance to run a preliminary forecast and they can make modifications or adjustments prior to submitting the information to his or her manager; paragraphs 048-051 teach that once a forecast is generated, a manager may adjust analyze, etc. When the forecast is submitted to the manager, he or she is notified, in that he or she has access to the forecast to make any modification)

As per claim 2, Amerasinghe et al. discloses a participant of the participants updates the forecast snapshot in response to the alert (paragraph 048-051 teach that once a forecast is generated, a manager may adjust analyze, etc. When the forecast is submitted to the manager, he or she is notified, in that he or she has access to the forecast to make any modification).

As per claim 6, Amerasinghe et al. discloses the method of claim 1 including before generating a forecast snapshot, ensuring correctness of a hierarchy of the participants (paragraph 47; item 11 in Figures 2-3; Members of a hierarchy are defined.).

As per claim 7, Amerasinghe et al. does not expressly disclose the method of claim 6 including when the hierarchy of participants is not correct, notifying a user so the hierarchy can

Art Unit: 3624

be corrected. However, Examiner takes Official Notice that when data is not correct for generating a report such as a forecast, it was old and well known at the time of the invention to notify a person to correct the data. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Amerasinghe et al. to notify a person when the hierarchy of participants is not correct so that the hierarchy can be corrected because such notification ensures data accuracy and integrity.

As per claim 8, Amerasinghe et al. discloses the method of claim 1 wherein the generating includes for each participant, retrieving opportunity information for that participant (paragraphs 48-50); and generating forecast summaries in accordance with a hierarchy of the participants (paragraph 51).

As per claim 9, Amerasinghe et al. discloses the method of claim 1 wherein each forecast snapshot is associated with a forecast period (paragraph 57).

As per claim 10, Amerasinghe et al. discloses the method of claim 9 wherein the forecast period is a quarter (paragraph 57).

As per claim 11, Amerasinghe et al. discloses the method of claim 9 including receiving from the user an indication of the forecast period (paragraph 57).

As per claim 12, Amerasinghe et al. discloses the method of claim 1 wherein the forecast snapshot is automatically generated based on the day and interval (paragraphs 48, 58-59 and 94).

Claims 13-27 recite subject matter similar to that already rejected above. Therefore, claims 13-27 are rejected on the same basis as claims 1-12 above.

Conclusion

Art Unit: 3624

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHNNA R. LOFTIS whose telephone number is (571)272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brad Bayat can be reached on 571-272-6636. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/jl/
3/25/09

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623